

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

VINCENT T. GALLEGOS,

Plaintiff,

v.

Civ. No. 19-604 GJF

ANDREW SAUL, *Commissioner of  
the Social Security Administration,*

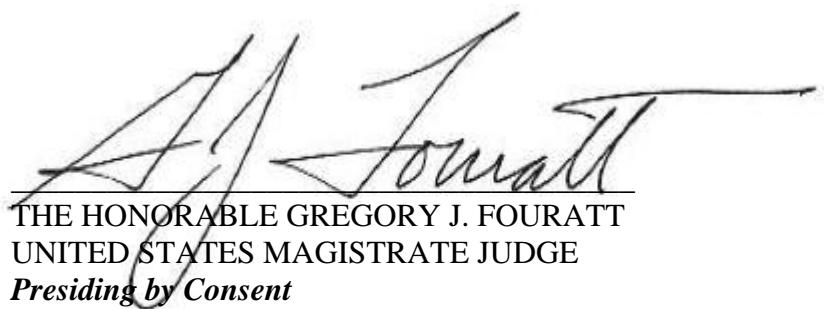
Defendant.

**ORDER GRANTING ATTORNEY FEES  
UNDER THE EQUAL ACCESS TO JUSTICE ACT**

The Court, having reviewed the parties' "Unopposed Motion for Attorney Fees Pursuant to the Equal Access to Justice Act [EAJA]" [ECF 28], **HEREBY ORDERS** that attorney fees are awarded under the EAJA (28 U.S.C. § 2412), payable to Plaintiff but mailed to his attorney in the amount of \$4,949.50. *See Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

**IT IS FURTHER ORDERED THAT**, if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575,580 (10th Cir. 1986).

**SO ORDERED.**



THE HONORABLE GREGORY J. FOURATT  
UNITED STATES MAGISTRATE JUDGE  
*Presiding by Consent*